

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS LOCAL 959,)

Petitioner and Plaintiff,)

vs.)

FIRST STUDENT, INC.,)

Respondent and Defendant.)

FILED In the Trial Courts
State of Alaska, Fourth District

MAR 07 2012

By _____ Deputy

Superior Court No. 4FA-12-01210 CI

**PETITION TO CONFIRM ARBITRATION AWARD AND
COMPLAINT FOR LIQUIDATED DAMAGES**

Petitioner and Plaintiff Local 959 of the International Brotherhood of Teamsters

("Plaintiff Local 959") pleads as follows:

1. Plaintiff Local 959 is an unincorporated labor union association with offices in Fairbanks and elsewhere within the State of Alaska.
2. Respondent and Defendant First Student, Inc. ("Defendant First Student") is a foreign corporation registered in Alaska and doing business in Fairbanks and elsewhere within the State of Alaska.
3. Plaintiff Local 959 and Defendant First Student are and have at all relevant times been parties to a collective bargaining agreement.
4. On December 14, 2011, arbitrator John Eberhart issued an arbitration award arising from the grievance and arbitration provisions of the parties' collective bargaining agreement.

SCHENDEL LAW OFFICE

250 Cushman Street

Suite 500

Fairbanks, AK 99701

Office: (907) 451-6500 / Facsimile: (907) 451-6510

SCHENDEL LAW OFFICE

250 Cushman Street

Suite 500

Fairbanks, AK 99701

Office: (907) 451-6500 / Facsimile: (907) 451-6510

5. The arbitration award required Defendant First Student to deliver certain relief, including back and front pay, to the grievant, Jaymi Seidl, within thirty days of the award.

6. On January 19, 24, and 26, 2012, and February 22, 2012, Plaintiff Local 959 demanded that First Student comply with the arbitration award, including the back pay and front pay.

7. Defendant First Student has not complied with the arbitration award.

FIRST CAUSE OF ACTION – CONFIRMATION OF AWARD

8. Plaintiff Local 959 incorporates by reference the foregoing allegations.

9. Defendant First Student's refusal and failure to comply with the arbitration award breaches the parties' contract.

SECOND CAUSE OF ACTION – LIQUIDATED DAMAGES

10. Plaintiff Local 959 incorporates by reference the foregoing allegations.

11. Defendant First Student's conduct violates Alaska Statute 23.05.140 concerning prompt payment of employee compensation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Local 959 requests the Court to

1. Confirm the December 14, 2011, arbitration award;
2. Assess penalties against First Student pursuant to AS 23.05.140;
3. Award Local 959 interest, fees, and costs; and

4. Grant such other relief as the Court deems just and equitable.

DATED at Fairbanks, Alaska, this 1st day of March, 2012.

SCHENDEL LAW OFFICES
Attorney for Local 959



William B. Schendel
Alaska Bar No.: 7610128

SCHENDEL LAW OFFICE

250 Cushman Street

Suite 500

Fairbanks, AK 99701

Office: (907) 451-6500 / Facsimile: (907) 451-6510